

Speedy Justice

The Tragic Last Voyage of His Majesty's Vessel Speedy

BRENDAN O'BRIEN



Speedy Justice The Tragic Last Voyage Of His Majestys Vessel Speedy

Patrick Brode



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Aggressive in Pursuit Frederick Vaughan, Osgoode Society for Canadian Legal History, 2004-01-01 Few people have had a greater impact on the lives of Canadians than the late Supreme Court judge Justice Emmett Hall At the forefront of several important judgements in the 1960s and 70s such as Truscott and Calder Hall is perhaps best known for his role in the adoption of universal health care at the federal level in 1968 Based on extensive interviews with Hall and people who knew him Frederick Vaughan's *Aggressive in Pursuit* tells Hall's remarkable story Born in Quebec in 1898 and raised in Saskatchewan Hall had a long and distinguished career as a lawyer In 1957 former law school classmate Prime Minister John Diefenbaker appointed Hall to the Saskatchewan Court of Queen's Bench and four years later to the office of Chief Justice of Saskatchewan In 1963 Diefenbaker elevated Hall to the Supreme Court of Canada where he took up the task of universal health care and showed himself to be an aggressive defender of native causes *Aggressive in Pursuit* traces Hall's career from his earliest days of private practice in Saskatchewan to the end of his career and death in 1994 It shows how one prairie lawyer made a difference in the life of Canada

Magistrates, Police, and People Donald Fyson, 2006-12-15 The role and function of criminal justice in a conquered colony is always problematic and the case of Quebec is no exception Many historians have suggested that between the Conquest and the Rebellions 1760s 1830s Quebec's Canadian inhabitants both boycotted and were excluded from the British criminal justice system *Magistrates Police and People* challenges this simplistic view of the relationship between criminal law and Quebec society offering instead a fresh view of a complex accord Based on extensive research in judicial and official sources Donald Fyson offers the first comprehensive study of the everyday workings of criminal justice in Quebec and Lower Canada Focussing on the justices of the peace and their police Fyson examines both the criminal justice system itself and the system in operation as experienced by those who participated in it Fyson contends that although the system was fundamentally biased its flexibility provided a source of power for ordinary citizens At the same time everyday criminal justice offered the colonial state and colonial elites a powerful though often faulty means of imposing their will on Quebec society This fascinating and controversial study will challenge many received historical interpretations providing new insight into the criminal justice system of early Quebec

The Lawmakers John T. Saywell, 2002-01-01 Comprehensive ambitious and detailed *The Lawmakers* will be the definitive work on the evolution of the law of Canadian federalism

Colour-coded Constance Backhouse, Osgoode Society for Canadian Legal History, 1999-01-01 Backhouse presents detailed narratives of six court cases each giving evidence of blatant racism created and enforced through law

BOOK JACKET

Scugog Carrying Place Grant Karcich, 2013-03-30 Until now the story of this trail its beginnings its purpose and its significant place in Ontario's history has been poorly defined The story of Scugog Carrying Place the ancient aboriginal trails connecting Lake Ontario with Lakes Scugog and Simcoe and the Kawartha lakes is a multifaceted one In tracing its documented history from the 1790s to the 1850s author Grant Karcich unravels mysteries explores the lifestyles of

early First Nations provides background on local archaeological sites and introduces the intrepid early surveyors fur traders missionaries colourful characters and entrepreneurial immigrant settlers from both the newly formed United States and the United Kingdom In their wake come the demon whiskey devastating plagues competing world views saddlebag preachers and ultimately the marginalization of the First Nations people The Scugog Trail assumes a significant role in the transition of the land from forest to agriculture to villages towns and industrial centres Long forgotten cabins cemeteries and a cartographic mystery involving the infamous Cabane de Plomb add to the mystique The trail bore witness to the development of communities such as Oshawa Harmony Columbus Prince Albert Port Perry Seagrave Cannington and Beaverton whose stories also unfold Scugog Carrying Place is a must read for history buffs genealogists archaeologists and anyone with roots in this part of Ontario

Casual Slaughters and Accidental Judgments Patrick Brode, 1997-12-15 War crimes prosecutions create unique difficulties as civilian standards of law are applied to the extraordinary circumstances of war Governments are often surprisingly hesitant to pursue war criminals Patrick Brode has produced a fascinating study of such issues in Casual Slaughters and Accidental Judgments a history of Canada's prosecution of war crimes committed during the Second World War It is a history that includes personalities such as Lt Col Bruce Macdonald whose persistence overcame Ottawa's reluctance to pursue the war crimes business and SS Brigadier General Kurt Meyer whose last minute reprieve from death by firing squad followed a trial reminiscent of a Hollywood melodrama Brode illustrates the difficulties of applying law to a recently defeated enemy when the emotions and politics of war distort any sense of impartial justice The trials also reveal much about the legal and diplomatic views that prevailed at the end of the war and democratic Canada's willingness to overcome its colonial past to defend its own interests on the international stage The objectivity of the trials is still subject to question and they have been condemned by some as retaliatory Brode clearly shows that Canada's war crimes trials of 1945 to 1948 were a part of a movement to apply humane standards of conduct to warfare Recent events in places such as Vietnam Bosnia and Somalia show how pertinent these concerns remain The Osgoode Society for Canadian Legal History

The Persons Case Robert J. Sharpe, Patricia I. McMahon, 2017-06-22 On 18 October 1929 John Sankey England's reform minded Lord Chancellor ruled in the Persons case that women were eligible for appointment to Canada's Senate Initiated by Edmonton judge Emily Murphy and four other activist women the Persons case challenged the exclusion of women from Canada's upper house and the idea that the meaning of the constitution could not change with time The Persons Case considers the case in its political and social context and examines the lives of the key players Emily Murphy Nellie McClung and the other members of the famous five the politicians who opposed the appointment of women the lawyers who argued the case and the judges who decided it Robert J Sharpe and Patricia I McMahon examine the Persons case as a pivotal moment in the struggle for women's rights and as one of the most important constitutional decisions in Canadian history Lord Sankey's decision overruled the Supreme Court of Canada's judgment that the courts could not depart from the original

intent of the framers of Canada's constitution in 1867. Describing the constitution as a living tree, the decision led to a reassessment of the nature of the constitution itself. After the *Persons* case, it could no longer be viewed as fixed and unalterable but had to be treated as a document that in the words of Sankey was in a continuous process of evolution. The *Persons* Case is a comprehensive study of this important event, examining the case itself, the ruling of the Privy Council, and the profound affect that it had on women's rights and the constitutional history of Canada.

The Lazier Murder Robert J. Sharpe, 2012-10-26 In December 1883 Peter Lazier was shot in the heart during a bungled robbery at a Prince Edward County farmhouse. Three local men, pleading innocence from start to finish, were arrested and charged with his murder. Two of them, Joseph Thomset and David Lowder, were sentenced to death by a jury of local citizens the following May. Nevertheless, appalled community members believed at least one of them to be innocent, even pleading with prime minister John A. Macdonald to spare them from the gallows. *The Lazier Murder* explores a community's response to a crime as well as the realization that it may have contributed to a miscarriage of justice. Robert J. Sharpe reconstructs and contextualizes the case using archival and contemporary newspaper accounts. *The Lazier Murder* provides an insightful look at the changing pattern of criminal justice in nineteenth century Canada and the enduring problem of wrongful convictions.

Courted and Abandoned Patrick Brode, 2002-12-15 A pregnancy outside of marriage was a traumatic event in frontier Canada, one that had profound legal implications not only for the mother but also for the woman's family, the alleged father, and for the entire community. Patrick Brode examines the history of the heartbalm torts in nineteenth century Canada: breaches of duty leading to liability for damages for seduction, breach of promise of marriage, and criminal conversation, that were part of the inherited English law and were a major feature of early Canadian law. Encompassing all ten Canadian provinces, Brode's study examines the court cases and the communities in which they arose. He illustrates the progression of these heartbalm actions as women gained more and more autonomy in the late nineteenth century until questions arose as to the applicability of these feudal remedies in a modern society. He argues that the heartbalm cases are a testament to how early Canadians tried to control sexuality and courtship, even consensual activity among adults. In mixing legal and social issues and showing how they interact, *Courted and Abandoned* makes a significant contribution to legal history, women's studies, and cultural history.

The Spinster and the Prophet Brian McKillop, 2011-11-30 Winner of the UBC Medal for Biography and shortlisted for the Drainie Taylor Biography Prize. The prolific novelist and social prophet H. G. Wells had a way with words, and usually he had his way with women. That is, until he encountered the feisty Toronto spinster Florence Deeks. In 1925 Miss Deeks launched a 500,000 lawsuit against Wells, claiming that in an act of literary piracy, Wells had somehow come to use her manuscript history of the world in the writing of his international bestseller *The Outline of History*, a work still in print today. Thus began one of the most sensational and extraordinary cases in Anglo-Canadian publishing and legal history. In this riveting literary whodunit, A. B. McKillop unfolds the parallel stories of two Edwardian figures and the ambition to capture the

sweep of history that possessed them both H G Wells was the celebrated writer of autobiographical fiction and futuristic fantasy who at the end of the Great War preached the need for a global world order Florence Deeks was a modest teacher and amateur student of history who intended to correct traditional scholarship's neglect by writing an account of civilization that stressed the contributions of women Her manuscript was submitted to the venerable Macmillan Company in Canada but was rejected and never published Wells's opus completed in an astonishingly short period was released by the same firm in North America the year following As the mystery deepens and new evidence is revealed it seems that the verdict of the courts in Deeks vs Wells may not be that of history The cast of characters is as intriguing as it is wide in Canada the United States and England renowned publishers and editors eminent lawyers and judges leading journalists and all seeing office secretaries Not all it turns out merited their reputations Above all the tale embraces the lives of the philandering Mr Wells his wife and his mistresses and the scarcely noted Miss Florence Deeks her family her life's work and her search for justice

The Court of Queen's Bench of Manitoba, 1870-1950 Dale Brawn, 2006-12-15 This study of the Manitoba judiciary is not only the first biographical history to examine an entire provincial bench it is also one of the first studies to offer an internal view of the political nature of the judicial appointment process Dale Brawn has penned the biographies of the first thirty three men appointed to Manitoba's Court of Queen's Bench The relative youth of Manitoba as a province and the small size of its legal profession makes possible an exceptionally detailed investigation of the background of those appointed to the province's highest trial court The biographical data that Brawn has collected for this book highlights the extent to which judicial candidates underwent a socialization process designed to produce a legal elite whose members shared remarkably similar views and ways of thinking In addition these biographies suggest that until at least 1950 seats on provincial benches were rewards for political services rendered Many lawyers became judges not because of their legal ability but because they had made themselves known in the communities in which they practiced This fascinating study offers an intimate look at personalities ranging from prime ministers to members of the bench and both senior levels of government **Labour**

Before the Law Judy Fudge, Eric Tucker, 2004-01-01 In this groundbreaking study of the relations between workers and the state Judy Fudge and Eric Tucker examine the legal regulation of workers' collective action from 1900 to 1948 They analyze the strikes violent confrontations lockouts union organizing drives legislative initiatives and major judicial decisions that transformed the labour relations regime of liberal voluntarism which prevailed in the later part of the nineteenth century into industrial voluntarism whose centrepiece was Mackenzie King's Industrial Disputes Investigation Act of 1907 This period was marked by coercion and compromise as workers organized and fought to extend their rights against the profit oriented owners of capital while the state struggled to define a labour regime that contained industrial conflict The authors then trace the conflicts that eventually produced the industrial pluralism that Canadians have known in more recent years By 1948 a detailed set of legal rules and procedures had evolved and achieved a hegemonic status that no prior legal regime had even

approached This regime has become so central to our everyday thinking about labour relations that one might be forgiven for thinking that everything that came earlier was truly before the law But as *Labour Before the Law* demonstrates workers who acted collectively prior to 1948 often found themselves before the law whether appearing before a magistrate charged with causing a disturbance facing a superior court judge to oppose an injunction or in front of a board appointed pursuant to a statutory scheme that was investigating a labour dispute and making recommendations for its resolution The book is simultaneously a history of law aspects of the state trade unions and labouring people and their interaction within the broad and shifting terrain of political economy The authors are attentive to regional differences and sectoral divergences and they attempt to address the fragmentation of class experience

Deadly Swindle Ian Radforth, 2024-10-01 In February 1890 in a remote swamp in rural southwestern Ontario two woodsmen discovered the frozen body of a well dressed young stranger killed by two bullets to the back of the head Before long police laid a murder charge on Reginald Birchall a handsome young gentleman from London just arrived in Canada to conduct an emigration scam Although accused of the cold blooded murder Birchall charmed everyone he met and delighted in the attention lavished by the press of Canada the United States and Britain In *Deadly Swindle* Ian Radforth tells the fascinating story of one of Canada's most sensational murder cases and shows how the regional and international press ran with it The book draws an intriguing picture of social life in late nineteenth century Canada as well as a vivid and learned portrait of the workings of the criminal justice system at this time in the country's history A lively narrative *Deadly Swindle* is based on extensive research notably in Victorian newspapers and is strengthened by a thorough knowledge of press history and the legal processes of the day

Essays in the History of Canadian Law: In honour of R.C.B. Risk Philip Girard, Osgoode Society, 1981-01-01 The collected essays in this volume represent the highlights of legal historical scholarship in Canada today All of the essays refer back in some form to Risk's own work in the field

Connecting the Dots Harry W. Arthurs, 2019-05-23 Harry W Arthurs is a name held in high esteem by labour lawyers and academics throughout the world Although many are familiar with Arthurs's contributions and accomplishments few are acquainted with the man himself or how he came to be one of the most influential figures in Canadian law and legal education In *Connecting the Dots* Arthurs recounts his adventures in academe and the people principles ideas motivations and circumstances that have shaped his thinking and his career The memoir offers intimate recollections and observations beginning with the celebrated ancestors who influenced Arthurs's upbringing and education It then sweeps through his career as an architect of important reforms in legal education and explores his research as a trailblazing commentator on the legal profession Arthurs analyzes his experiences as a legal theorist and historian and his pivotal role as a discordant voice in debates over constitutional and administrative law Along the way he muses on the intellectual projects he embraced or set in motion the institutional reforms he advocated the public policies he recommended and how they fared long term Framed with commentary on the historical context that shaped each decade of his career and

punctuated by moments of personal reflection Connecting the Dots is a humorous frank and fearless account of the rise and fall of Canadian labour law from the man who was at the centre of it all The Supreme Court of Nova Scotia, 1754-2004 Osgoode Society for Canadian Legal History, 2004-01-01 Editors Philip Girard Jim Phillips and Barry Cahill have put together the first complete history of any Canadian provincial superior court All of the essays are original and many offer new interpretations of familiar themes in Canadian legal history Canadian State Trials: Rebellion and invasion in the Canadas, 1837-1839 Osgoode Society for Canadian Legal History, 1996-01-01 And incompetent justice Legal responses to the 1885 Crisis North West Rebellions Bob Beal and B Wright Another look at the Riel Trial for Treason Louis Riel J M Bumstead The White Man governs The 1885 Indian trials Indians First Nation Aboriginal or Native peoples Bill Waiser Securing the dominion High handed impolite and empire breaking actions radicalism anti imperialism and political policing in Canada 1860 1914 Andrew Parnaby Gregory S Kealey with Kirk Niergarth Codification public order and the security provisions of the Canadian Criminal Code 1892 Desmond H Brown B Wright Appendices Sir John A Macdonald Fonds Archival Sources in Canada for Riel s Rebellion **Dewigged, Bothered, and Bewildered** John McLaren, 2011-10-22 Throughout the British colonies in the nineteenth century judges were expected not only to administer law and justice but also to play a significant role within the governance of their jurisdictions British authorities were consequently concerned about judges loyalty to the Crown and on occasion removed or suspended those who were found politically subversive or personally difficult Even reasonable and well balanced judges were sometimes threatened with removal Using the career histories of judges who challenged the system Dewigged Bothered and Bewildered illuminates issues of judicial tenure accountability and independence throughout the British Empire John McLaren closely examines cases of judges across a wide geographic spectrum from Australia to the Caribbean and from Canada to Sierra Leone who faced disciplinary action These riveting stories provide helpful insights into the tenuous position of the colonial judiciary and the precarious state of politics in a variety of British colonies A History of Canadian Legal Thought R.C.B. Risk, 2006-12-15 This volume in the Osgoode Society s distinguished series on the history of Canadian law is a collection of the principal essays of Professor Emeritus R C B Risk one of the pioneers of Canadian legal history and for many years regarded as its foremost authority on the history of Canadian legal thought Frank Scott Bora Laskin W P M Kennedy John Willis and Edward Blake are among the better known figures whose thinking and writing about law are featured in this collection But this compilation of the most important essays by a pioneer in Canadian legal history brings to light many other lesser known figures as well whose writings covered a wide range of topics from estoppel to the British North America Act to the purpose of legal education Written over more than two decades and covering the immediate post Confederation period to the 1960s these essays reveal a distinctive Canadian tradition of thinking about the nature and functions of law one which Risk clearly takes pride in and urges us to celebrate

Judging Bertha Wilson Ellen Anderson, 2002-12-15 Madame Justice Bertha Wilson the first woman appointed to the

Supreme Court of Canada is an enormously influential and controversial figure in Canadian legal and political history. This engaging authorized intellectual biography draws on interviews conducted under the auspices of the Osgoode Society for Legal History held in Scotland and Canada with Madame Justice Wilson as well as with her friends, relatives, and colleagues. The biography traces Wilson's story from her birth in Scotland in 1923 to the present. Wilson's contributions to the areas of human rights law and equality jurisprudence are many and well known. Lesser known are her early days in Scotland and her work as a minister's wife or her post-judicial work on gender equality for the Canadian Bar Association and her contributions to the Royal Commission on Aboriginal Peoples. Through a scrupulous survey of Wilson's judgements, memos, and academic writings, many as yet unpublished, Ellen Anderson shows how Wilson's life and the law were seamlessly integrated in her persistent commitment to a stance of principled contextuality. This stance has had an enduring effect on the evolution of Canadian law and cultural history. Supported with the warmth and generosity of Wilson's numerous personal anecdotes, this work illuminates the life and thought of a woman who has left an extraordinary mark on Canada's legal landscape.

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